

The *California* REPORTER

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SPRING 2000

ADVOCACY FOR WOMEN'S ISSUES IS GILLIGAN'S PASSION

California consumers and court reporters have a dynamic and experienced advocate as their newest member of the Court Reporters Board of California (CRBC).

Susan Gilligan, appointed in June by Speaker of the California Assembly Antonio R. Villaraigosa, is a feminist involved in active pursuit of equality. For more than 12 years, she has been Special Projects/Assistant to the Board Chair of the Feminist Majority Foundation in Los Angeles, a non-profit national women's rights organization originally formed to encourage women to run for public office.

"My passion is my job. I'm a feminist and lucky enough to be able to work in that area," she said during a recent interview.

Although she has a good sense of humor, Gilligan isn't kidding. She has a 20-year history of service in the feminist movement in the United States. Prior to her move to Los Angeles, Gilligan lived in Denver where she was president of the National Organization for Women (NOW).

Interestingly enough, her devotion to feminism was not the result of gender oppression growing up in



CRBC adopts minimum transcript format regulations

The Court Reporters Board of California (CRBC) recently adopted minimum transcript format regulations under Division 24 of Title 16 of the California Code of Regulations (CCR). Section 2473 of the CCRs establishes the format standards as follows:

(a) A reporter licensed under Chapter 13, Division 3 of the Code shall comply with the following transcript format standards when producing a transcript in a legal proceeding. If a court employs a reporter, either as an official or pro tem official reporter, the transcript format set forth by state or local rules of court, or adopted by that jurisdiction, if any, will supersede. If there are no transcript format guidelines established within a jurisdiction, the following minimum transcript format standards shall apply:

- (1) No fewer than 25 typed text lines per page;
- (2) A full line of text shall be no less than 56 characters unless time-stamping is used, in which case no fewer than 52 characters shall be used on a full line of text;
- (3) Left-hand margin is defined as the first character of a line of text;
- (4) Each question and answer is to begin on a separate line;

- (5) Text is to begin no more than 10 spaces from the left margin including "Q" and "A" Symbols;
- (6) Carry-over "Q" and "A" lines to begin at the left-hand margin;
- (7) Colloquy and paragraphed material to begin no more than 10 spaces from the left-hand margin with carry-over colloquy to the left-hand margin;
- (8) Quoted material to begin no more than 14 spaces from the left-hand margin with carry-over lines to begin no more than 10 spaces from the left-hand margin;
- (9) Parenthetical and exhibit markings of two lines or more shall be no less than 35 characters per line; and
- (10) In colloquy, text shall begin no more than two spaces after the colon following speaker "ID."

(b) Failure to comply with these minimum standards, as noted above, constitutes grounds for disciplinary action.

The authority cited also includes:

- Sections 8007, 8008 and 8025 of the Business and Professions Code; and
- Reference: Section 8025, Business and Professions Code, Section 11425.50(e); Government Code

CRBC MISSION STATEMENT

The Court Reporters Board of California's mission is to provide users of the judicial system access, consumer education and consumer protection through quality assurance in the qualifications, performance and ethical behavior of court reporters.

Womens Issues continued on page 2

Womens Issues *continued from page 1*

Dubuque, Iowa as the oldest of five children. In the true sense of the word, her parents had a partnership in a traditional household. After high school, Gilligan stayed in Dubuque and attended Clarke College when it was an all women's school. In that setting, she continued to excel as a student and believed it when she and her classmates were told they could do anything.

Later, however, she found out that wasn't always true in the business world. Her awakening occurred while she was working in sales for a medical laboratory in Colorado. Although highly successful with a proven track record, her decision on a particular issue was questioned and her rationale behind it was discounted. But when her male boss stepped in, supported her, and made the same decision, it was accepted without question by higher management.

That was about the same time the Equal Rights Amendment was being debated across the country. Intrigued, she got a copy of the one-line proposal advocating that rights could not be denied because of gender.

"I was astonished that it was only one sentence," she said. Two weeks later she was at her first NOW meeting.

In her work at the Feminist Majority Foundation, Gilligan uses a wide range of negotiating skills and experience that she expects will be of value in her work for the CRBC. Her duties include working with local law enforcement and women's health clinics. She also designs logistics for major events for the annual Women in Law Enforcement conference. Gilligan also said her organization encourages women to enter law enforcement because it believes women bring a different perspective and style to police work. "They are more likely to de-escalate situations," she explained.

Board Gives Testimony at Sunset Review Hearing

Members of the Court Reporters Board of California (CRBC) appeared before the Joint Legislative Sunset Review Committee (JLSRC) on December 1, 1999 to answer questions primarily about the low pass rate on three reporter exams, and the quality of reporter education.

Board members outlined the results of research conducted into the possible causes of the low pass rate on exams held in May and November 1997 and May 1998. According to Board members, several events may have contributed to the low pass rates, including premature qualifying at schools with programs closing, an inconsistent level of difficulty on some tests, and not enough pre-testing of examination material.

After presenting their testimony, Board members were further questioned by the JLSRC on a variety of topics, such as:

- Do court reporting schools have entrance exams to determine whether potential students have the aptitude required to be a successful student?
- Why is the court reporting exam more stressful than other licensing exams?
- Why does it take so long to get through court reporting school?
- Given the changes in technology, do you see the schools or the profession changing?
- Is the 24 key machine becoming obsolete? Where is the need for the steno machine?

After reviewing the CRBC's latest Sunset Review report and the testimony, the JLSRC is expected to release its findings and recommendations sometime in March 2000.

ALL RESIDENTS URGED TO RETURN COMPLETED CENSUS QUESTIONNAIRES

April 1, 2000 is Census Day. Official census questionnaires will be mailed to everyone in the United States by mid-March, and all residents are urged to mail back the census questionnaire promptly.

Every 10 years the U.S. Census Bureau is required by the U.S. Constitution to count every person in the United States. The information collected in the census information is 100 percent confidential, and the Census Bureau is strictly prohibited from sharing information with any other individuals or organizations, public or private.

Census information about the population of individual communities and each state is used to make major decisions, including expenditures and services for health care, roads, and schools. In the previous census in 1990, California had the largest undercount (people missed by the census) compared to all other states in the nation. As a result, California lost an estimated \$2.2 billion in federal funds that rightfully should have been spent on services such as health care for the elderly.

For more information, visit the Census Bureau's web site at <http://www.census.gov>, or for information about temporary census jobs call 1-888-325-7733.

Darling's Corner

By Dawn Darling, CRBC Enforcement Coordinator



Question: *For nearly 20 years now, I have sent the 30-day witness letter through the deponent's attorney. Last week I received a phone call from an attorney saying I was negligent in my duties because I did not mail the letter directly to the deponent. Did the code change lately?*

Answer:

The code you are referring to is the Code of Civil Procedure 2025(q)(1). In part, it states, "If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent, and to all parties attending the deposition, when the original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing..."

If counsel represents the party, it is completely acceptable to send this notice through the deponent's attorney of record. In some cases, you may be dealing with a percipient witness or pro per and have no other alternative but to send the notice directly to the deponent. But in many cases, the witness has counsel and sending the letter through the attorney is completely acceptable, since counsel is the agent for the named party or deponent in the action.

The Court Reporters Board staff strongly recommends that the Certified Shorthand Reporter (CSR) obtain the address of every witness—regardless of where they send the 30-day witness letter. The staff also recommends that the witness letter be sent to the individual that was deposed, with copies of the letter sent to the attorneys, as a matter of practice. This way, the witness will be made aware of his/her rights to

review the transcript, even if the attorney chooses not to discuss this option with the client. However, the CSR is not required to notify the witness directly and may continue to send the 30-day notice via counsel.

One of the reasons the Board urges CSRs to obtain the witness's address is because of the change in Code of Civil Procedure 2025.5, effective January 1, 1998. When a nonparty requests a copy of a transcript (taken after 1/1/98), the CSR must contact all parties, including the deponent (who may or may not have been a party to the case). This request notice must be in writing and must be sent to the last known address of the witness, as well as to all parties that attended the deposition. Obviously, if the CSR does not obtain the addresses, the notices cannot be sent. If asking for the addresses makes an attorney uncomfortable, the CSR should explain why it is being done, and that it is necessary in order to comply with CCP.

The Board has a form available by fax or e-mail that CSRs can provide to the witness before the deposition begins. It informs the witness of the law that allows a nonparty to obtain a copy of the transcript, and that in order for the CSR to make the deponent aware of such a request; the deponent

needs to provide the address to the CSR. A copy of the request should be provided to the attorneys to avoid any questions about the request. However, if the witness refuses to provide the information, the issue should not be forced. This form is especially helpful to those CSRs located in areas that typically stipulate away the CSR's duties. In these cases, the CSRs rarely have the witness's address.

If you would like a copy of this form to copy onto your own letterhead, call the Court Reporters Board office at (916) 263-3660 and request that the form be faxed or e-mailed to you.

If you have any questions that you would like to see addressed in our newsletter, send them to:

**CRBC,
Attn: Darling's Corner
2535 Capitol Oaks Drive, Suite
230 Sacramento, CA 95833**

EDITORS NOTE

To contact the Court Reporters Board of California, call (916) 263-3660 or visit the Board's website at www.dca.ca.gov/crb to download a complaint form.

Court Reporters Board of California

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DISCIPLINARY ACTION

San Luis Obispo County

Killgore, Elayne. Stipulation in Settlement and Order resulting in a surrender of CSR licensure. Decision effective January 15, 2000.

CITATION & FINES

The following individuals have been cited, and the matters have been satisfactorily resolved, for violations of Business & Professions Code sections 8016 (practicing with an expired certificate), and 8025(g) (failure to comply with, or to pay a monetary sanction imposed by any court for failure to provide timely transcripts).

Los Angeles County

B&P Code section 8016
10/05/99; Dave Stewart
B&P Code section 8025(g)
10/05/99; Victoria Anderson

Alameda County

B&P Code section 8016
12/09/99 Curtis-Norman, Janith

Calendar of Coming Events

APRIL	29	Court Reporters Board of California, Strategic Planning Session, San Diego (9:00 am til noon)
MAY	11	Court Reporters Board of California Meeting, San Francisco Airport Marriott Hotel (6:00 pm)
	12	Court Reporters Exam, San Francisco Airport Marriott Hotel

Frequently asked questions regarding the minimum transcript format standards

Q. *What is the effective date of these regulations? Will it apply to depositions I've taken prior to the date even though I haven't transcribed them yet? What about copies ordered after February 10, 2000?*

A. The Minimum Transcript Format Standards took effect February 10, 2000. These regulations only affect transcripts that are initially transcribed on or after February 10, 2000. Any copies requested for transcripts that were prepared prior to the new guidelines should remain in the format used for the original transcript.

Q. *In reference to (5), what space does my Q/A symbol need to start? Also, am I required to use a period after the Q/A?*

A. The Q and A symbol must precede the first character of text. Text must begin no more than 10 spaces from the left-hand margin (i.e., first character of text shall begin on the 10th space, not the 11th). The use of a period (after a Q/A) is a matter of style and is not addressed in the regulation.

Q. *What about the appearance, index, and certificate pages? How about datelines and witness setups? What about rough-draft transcripts? Do these standards apply to those areas as well?*

A. No. If a particular item is not specifically addressed in the minimum transcript format standard, you are free to continue to prepare it as you always have.

Q. *My agency formats my transcripts. I really don't know what it looks like after I submit my ASCII to them. Am I responsible if I don't have control over what the agency prints out as my final work product?*

A. You are responsible to meet these guidelines since you are the licensee who is certifying the transcript. If the Board receives a complaint regarding this issue, you are the one who will have to address the complaint - not your firm.

Q. *Is it possible there will be amendments to these guidelines?*

A. There are no immediate plans by the Board to amend these guidelines. However, regulations can always be amended. The public must be notified of any potential changes to the regulations and given sufficient time (45 days) to comment. If you would like to be on our mailing list for future regulatory changes, please contact our office at (916) 263-3660.

See example on other side

STANDARD TRANSCRIPT FORMAT EXAMPLE

1 BY MR. SMITH:

2 Q. But it was still upsetting for you?

3 A. At that time, yes, but he didn't --

4 Q. So you were upset -- sorry. Go ahead. I
5 didn't mean to interrupt you.

6 By the way, you can take a break and speak to
7 your counsel whenever you feel the need to.

8 A. That's okay.

9 Q. You were upset because your husband was upset?

10 A. Yes.

11 Q. And then this third incident is about your
12 mother learning that she had cancer?

13 A. Yes.

14 MR. SMITH: Let's mark this as Exhibit 1. It's
15 the form interrogatories that were sent out last month.

16 (Plaintiff's Exhibit No. 1 was marked for
17 identification.)

18 BY MR. SMITH:

19 Q. Let me read to you the following, and please
20 listen carefully.

21 "At the time of the incident, was
22 there in effect any policy of insurance
23 through which you were or might be
24 insured in any manner?"

25 MR. JONES: Do you want my copy back?